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REMARKS

By this amendment, claim 1 has been amended to include the limitation of provisionally allowable claim 6, claims 4 and 6 have been cancelled, new claims 11-17 have been added, and certain modifications have been made to overcome the rejections under 35 U.S.C. §112, second paragraph.

Method claim 7 has been amended to include the step of installing a fastener into at least one of the vertebra, such that the fastener extends into the fusion device. This is neither taught nor suggested by the prior art, Michelson '423, in particular, which dictates the placement of screws through the trailing edge of the cage in cephalic and caudal directions. In contrast, according to the instant invention, fasteners penetrate through the vertebral body and then into the device.

With respect to new claims 12-17, the elements include a biocompatible fusion device having a lateral surface, and a fastener configured to extend to release the portion of one of the vertebral bodies and into this lateral surface. Again, this is neither taught or suggested by the prior art.

Based upon the foregoing amendments and comments, Applicant believes that all pending claims are now in condition for allowance. Questions regarding this application may be directed to the undersigned at the telephone and facsimile numbers provided to expedite prosecution.

Respectfully submitted,

By: 

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